

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency
Office of the General Counsel



MLA 07-08 – CPR, Privacy
Mediation Staff
August 16, 2007

MEMORANDUM OF LEGAL ADVICE

Issue

How could the DC Superior Court mediation staff receive information from CFSA when one parent indicates to them that there is an open (or closed) case with CFSA concerning the other parent?

Conclusion

For the reasons below, we have concluded that:

Mediation staff would not have access to information from CFSA about the other parent until that other parent authorizes CFSA to release such information. Information released by CFSA will be limited to material contained in the Child Protection Register (CPR) concerning the parent requesting the information and that parent's child(ren) only. In order for the mediation staff to receive information from CFSA on the other parent, the other parent must authorize CFSA to release their information (and their particular child's information) to the mediation staff.

Analysis

Mediation staff would have access to information pertaining only to a parent who authorizes CFSA to release information to the mediation staff. One parent does not have the authority to release information about the other parent.

DC Code §4-1302.03(a) permits CFSA to release information within the Child Protection Register only to:

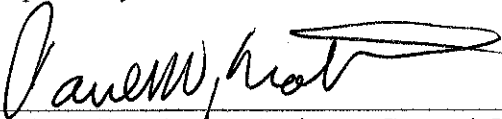
1. The police for purposes of investigating a report;
2. The DC Attorney General's Office (the assistant attorney generals - AAG) who are investigating and prosecuting cases of an allegedly abused or neglected child;
3. The United States Attorney for the District of Columbia (Assistant United States Attorney – AUSA) who are investigating and prosecuting cases of an allegedly abused or neglected child (criminal investigations and prosecution);
4. The Superior Court's Social Services Agency who are investigating a report or providing services to a family or child who is the subject of a report;
5. The Guardian Ad Litem (GAL) of a child who is the subject of a report;

6. Those named in the report as a person responsible for the neglect of a child and that person's attorney;
7. **The parent, guardian, custodian or attorney of the child who is the subject of a report;**
8. A child-placing agency licensed in DC when checking the CPR for proposed foster care or adoptive placements but only after getting a signed consent for release of the information from the person they are checking;
9. The Child Fatality Review Committee for purposes of examining past events and circumstances surrounding child deaths;
10. Any member of a multidisciplinary investigation team (MDT) for purposes of an investigation or review conducted by the MDT.

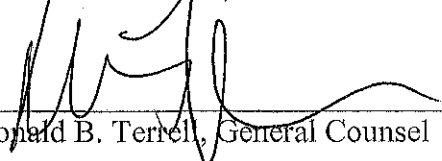
DC Code §4-1302.03(a). Emphasis added.

Three additional laws permit the release of information, but none permit the release of information about one parent to the other parent. DC Code §4-1302.03(b) permits CFSA to release information within the Child Protection Register to "medical professionals for the purpose of obtaining a diagnosis of the child who is the subject of the report". DC Code §4-1302.03(f) permits CFSA to release information to another jurisdiction's child welfare agency if that jurisdiction has comparable confidentiality safeguards. DC Code §4-1302.03(a-1)(1) permits the release of substantiated information found in the CPR to "the chief executive officers or directors of day care centers, schools, or any public or private organizations working directly with children, for the purpose of making employment decisions regarding employees and volunteers or prospective employees or volunteers" but only if the request is made in writing, clearly articulates the basis for the report and the request is accompanied by a notarized consent for release of information from the CPR signed by the employee or volunteer or prospective employee or volunteer. See DC Code §4-1302.03(a-1) (1) (A) and (B).

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